



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG
Docket No: 4136-99
19 August 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 17 August 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you reenlisted in the Navy on 16 July 1992 at age 23. At that time you had completed about three years of active service on a prior enlistment. On 28 May 1996 you were convicted by a special court-martial of charges which included multiple specifications of carnal knowledge with a minor, indecent assault on a minor, adultery and other serious charges.

The sentence of the court included a bad conduct discharge. You were so discharged on 3 October 1997.

Regulations require the assignment of an RE-4 reenlistment code when an individual is discharged as a result of a court-martial sentence. Given your conviction by court-martial of serious offenses which resulted in the issuance of a bad conduct discharge, the Board concluded that the RE-4 reenlistment code was properly assigned and no change was warranted.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

In your application you only request a change in your reenlistment code and this was the only issue considered by the Board. You can request recharacterization of your discharge by

completing the enclosed DD Form 293 and submitting it to the Naval Discharge Reserve Board.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure